

AO 91 (Rev. 1/15) Criminal Complaint

AUSA Mary Katherine McClelland (312) 371-1078

**FILED**  
**6/30/2020**THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURTUNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

FERMIN OCAMPO-TELLEZ;  
DIEGO VARGAS; and  
MICHAEL GOMEZ

CASE NUMBER: 1:20-cr-00331

**UNDER SEAL****CRIMINAL COMPLAINT**


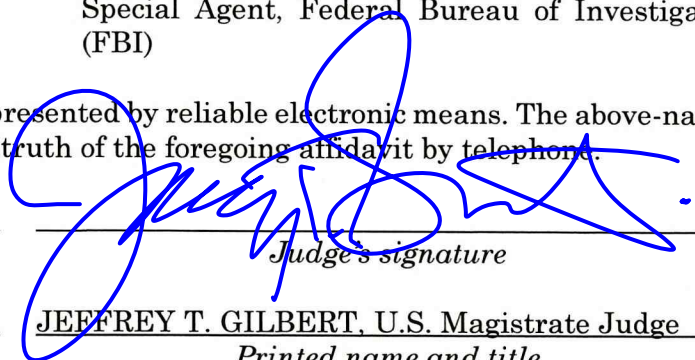
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about May 31, 2020, at Aurora, Illinois, in the Northern District of Illinois, Eastern Division,  
the defendants violated:*Code Section*

Title 18, United States Code, Section 371

*Offense Description*conspired with each other, and with others unknown,  
to commit an offense against the United States,  
namely, bank theft, in violation of Title 18, United  
States Code, Section 2113(b)

This criminal complaint is based upon these facts:

X Continued on the attached sheet.  
SHANNA K. SAUNDERSSpecial Agent, Federal Bureau of Investigation  
(FBI)Pursuant to Fed. R. Crim. P. 4.1, this complaint is presented by reliable electronic means. The above-named  
agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.Date: June 30, 2020  
*Judge's signature*City and state: Chicago, Illinois

JEFFREY T. GILBERT, U.S. Magistrate Judge

*Printed name and title*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

**AFFIDAVIT**

I, SHANNA K. SAUNDERS, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been so employed since September 2017. My current responsibilities include the investigation of violent crimes, including, among others, kidnapping, bank robbery, and the apprehension of violent fugitives.

2. This affidavit is submitted in support of a criminal complaint alleging that FERMIN OCAMPO-TELLEZ, DIEGO VARGAS, and MICHAEL GOMEZ have conspired with each other, and with others unknown, to commit bank theft, in violation of Title 18, United States Code, Section 2113(b), all in violation of Title 18, United States Code, Section 371.

3. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging OCAMPO-TELLEZ, VARGAS, and GOMEZ with conspiracy to commit bank theft, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendants committed the offense alleged in the complaint.

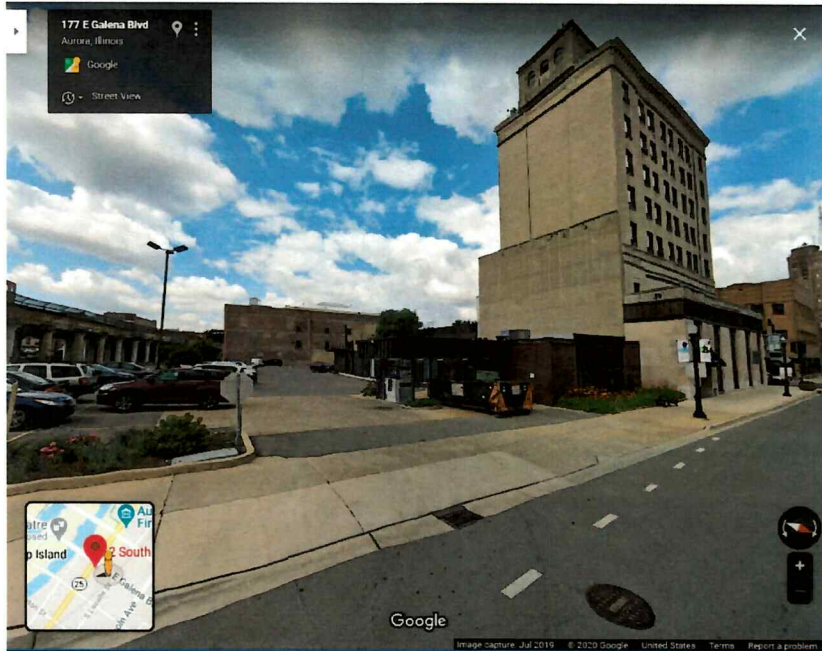
4. This affidavit is based on multiple sources, including but not limited to, my personal knowledge, my review of documents and reports related to this

investigation, my review of video recordings related to this investigation, and information provided to me by other local and federal law enforcement officers.

**THE MAY 31, 2020 CONSPIRACY TO COMMIT BANK THEFT**

5. On or about May 31, 2020, at approximately 9:38 p.m., a group of individuals attempted to steal U.S. currency from the Automated Teller Machine ("ATM") in the drive-through of the First Midwest Bank, at 2 South Broadway, Aurora, Illinois. OCAMPO-TELLEZ, VARGAS, and GOMEZ were later identified, through the investigation described below, as three of the individuals conspiring with each other, and with others unknown, to break into the ATM in order to take and carry away money belonging to, or in the care, custody, control, management, or possession of First Midwest Bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation ("FDIC"), in violation of Title 18, United States Code, Section 2113(b).

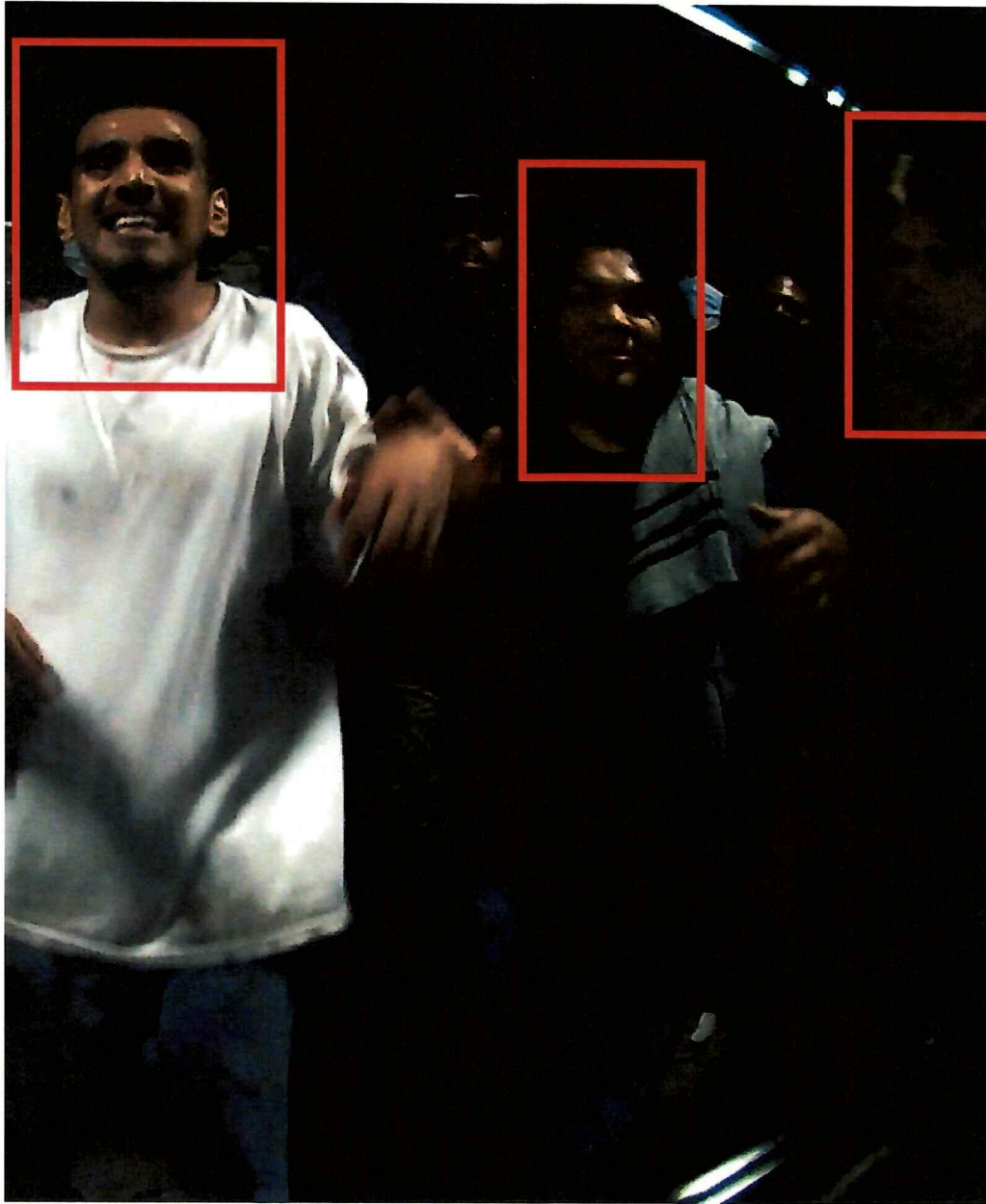
6. Below are Google Maps images of the First Midwest Bank's drive-through and ATM:



7. The ATM was equipped with surveillance video on May 31, 2020, which law enforcement has obtained. The Aurora Police Department also utilized a drone to capture a portion of the incident on video.

8. According to ATM surveillance video, on May 31, 2020 at approximately 9:38 p.m., a group of individuals began to gather in front of the ATM machine. This group includes a male with short dark hair, wearing a white t-shirt (later identified as OCAMPO-TELLEZ), a male with long dark hair, wearing a black t-shirt and long denim pants (later identified as VARGAS), and a male with medium-length dark hair and a goatee, wearing a black t-shirt and denim shorts (later identified as GOMEZ). Below is an image taken from the ATM surveillance video showing OCAMPO-TELLEZ, VARGAS, and GOMEZ standing together in front of the ATM:

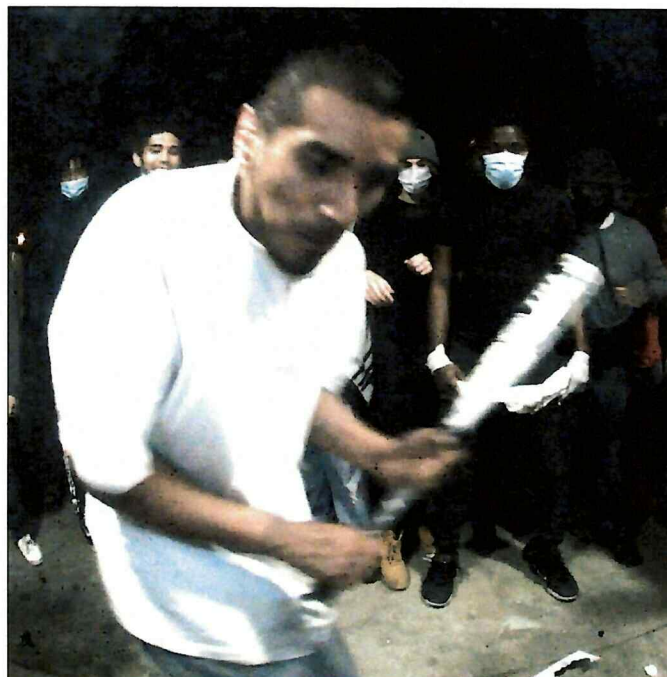




9. For approximately five minutes, OCAMPO-TELLEZ, VARGAS, and GOMEZ appear to communicate with each other, and with others unknown, in front of the ATM. In furtherance of, and to effect the object of, the conspiracy, OCAMPO-TELLEZ, VARGAS, and GOMEZ committed and caused the overt acts, as described below.

10. According to the ATM surveillance video, the group works together to attempt to access the U.S. currency inside of the ATM. OCAMPO-TELLEZ is seen hitting the ATM repeatedly with a baseball bat. Below are still images taken from the ATM surveillance video of OCAMPO-TELLEZ attempting to access the ATM by hitting it with a baseball bat, a bat which was also used by other individuals during this incident:

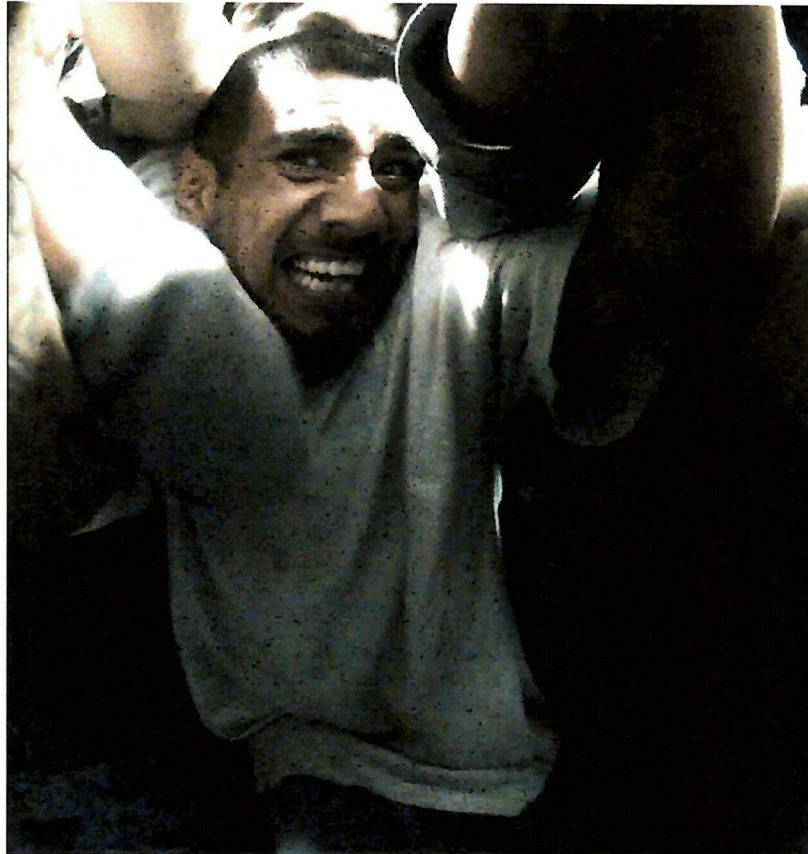




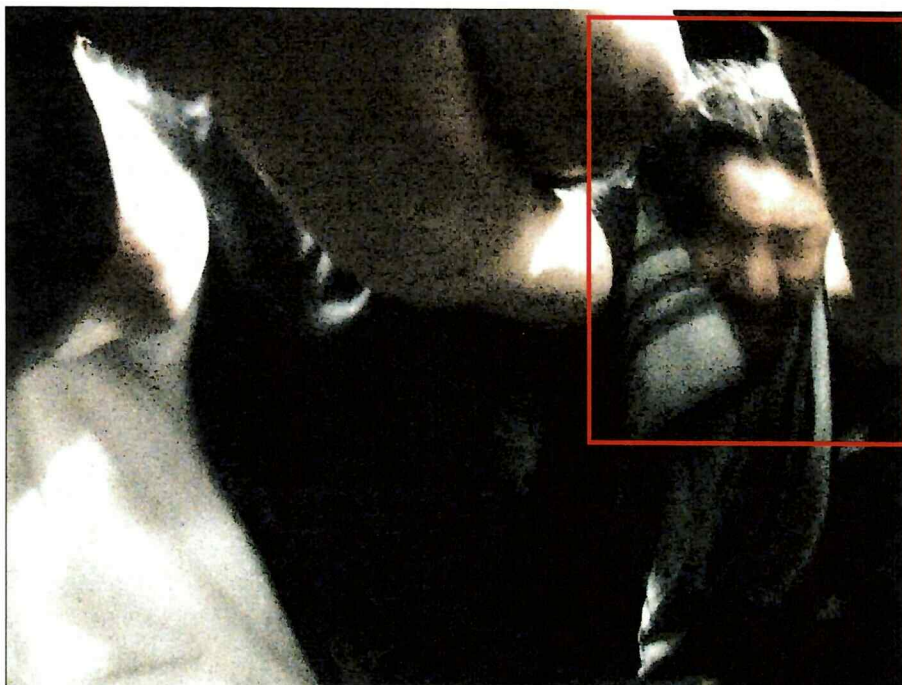
11. In addition to hitting the ATM with a baseball bat, OCAMPO-TELLEZ also attempts to access the ATM by trying to move it from where it was anchored in the bank's drive-through. Below is a still image taken from the ATM surveillance



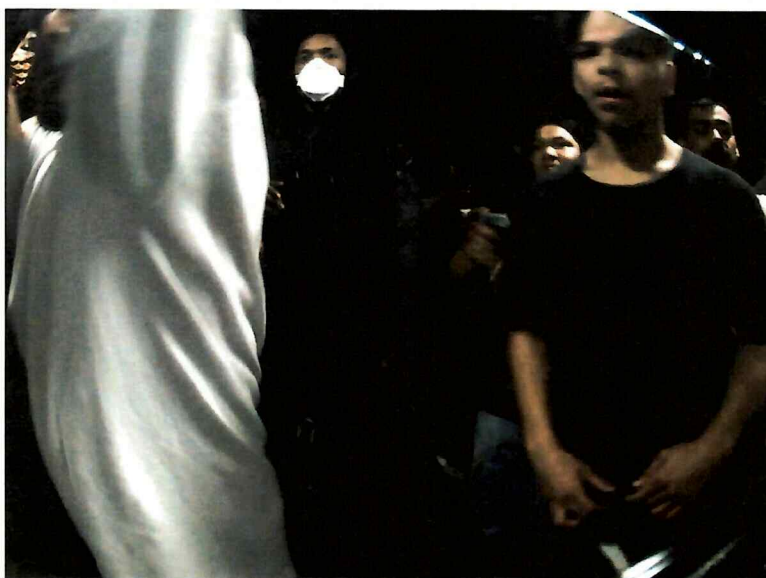
video of OCAMPO-TELLEZ gripping the top portion of the ATM and appearing to use his body weight to try to move the ATM, in combination with other individuals who are also grasping the ATM:

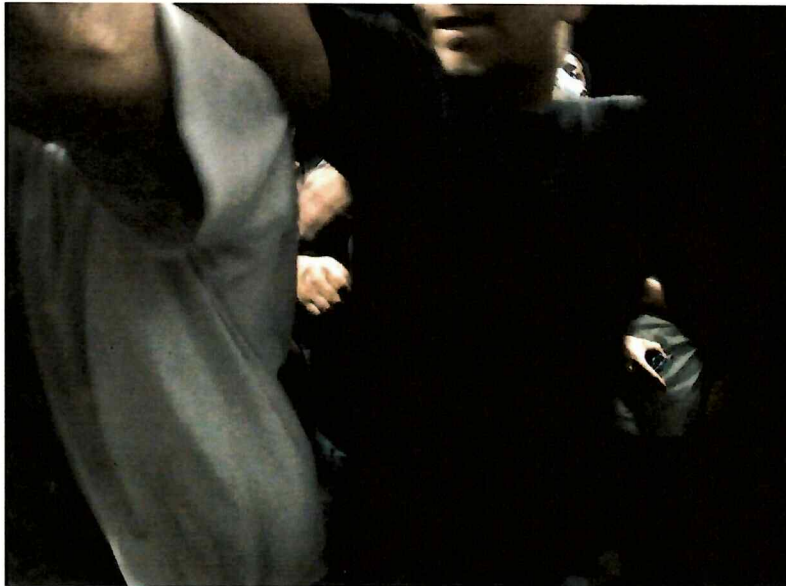


12. The ATM surveillance video also shows VARGAS taking actions to help the group access the ATM. Below is a still image taken from the video of VARGAS hanging on to the ATM and appearing to use his body weight to attempt to move the ATM, alongside other individuals who are also grabbing onto the ATM:



13. The ATM surveillance video also shows GOMEZ taking actions to help the group access the ATM. Below are still images taken from the video of GOMEZ reaching for and then grabbing onto the ATM alongside other individuals, in an apparent attempt to move the ATM:





14. According to First Midwest Bank records, the ATM held approximately \$89,740 when it was vandalized on May 31, 2020. After the First Midwest Bank ATM was vandalized, it was taken out of service, and that amount of U.S. currency remained in the ATM. According the First Midwest Bank records, no U.S. currency was removed from the ATM during the attempted bank theft on May 31, 2020. First Midwest Bank estimates that repairing the damage to the ATM as a result of the

vandalism on May 31, 2020 will cost over approximately \$30,000. On May 31, 2020, deposits of First Midwest Bank were insured by the FDIC.

**THE IDENTIFICATION OF OCAMPO-TELLEZ, VARGAS, AND GOMEZ**

15. The Aurora Police Department has issued intradepartmental bulletins in an attempt to positively identify individuals within the group who were working to break into the First Midwest Bank ATM on May 31, 2020. The bulletins include still images taken from the ATM surveillance video. After reviewing those bulletins, local law enforcement officers recognized OCAMPO-TELLEZ, VARGAS, and GOMEZ, because the officers had had contact with OCAMPO-TELLEZ, VARGAS, and GOMEZ in the past.

16. Law enforcement also acquired state identification photographs of OCAMPO-TELLEZ and GOMEZ from the Illinois Secretary of State's database, as well as a prior booking photograph of VARGAS from the Aurora Police Department. I have compared these photographs of OCAMPO-TELLEZ, VARGAS, and GOMEZ to the ATM surveillance video, and I believe that OCAMPO-TELLEZ, VARGAS, and GOMEZ are three of the individuals captured on video attempting to break into the First Midwest Bank ATM.



17. The state identification photograph of OCAMPO-TELLEZ is shown below:



18. The booking photo of VARGAS is shown below:






19. The state identification photograph of GOMEZ is shown below:

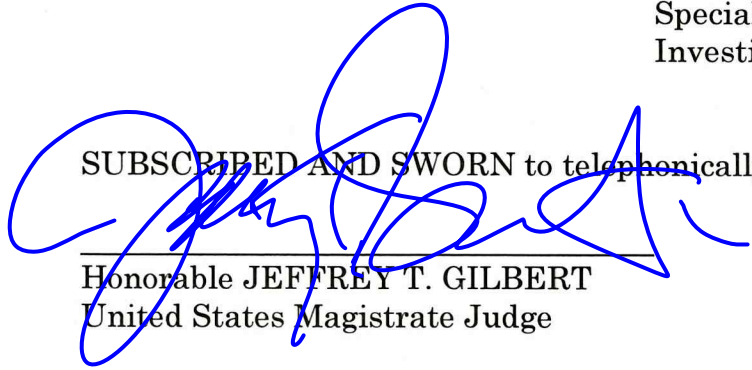


### CONCLUSION

20. Based on the foregoing facts, I respectfully submit that there is probable cause to believe that on or about May 31, 2020, FERMIN OCAMPO-TELLEZ, DIEGO VARGAS, and MICHAEL GOMEZ conspired with each other, and with others unknown, to take or carry away money belonging to, or in the care, custody, control, management, or possession of First Midwest Bank, located at 2 South Broadway in Aurora, Illinois, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113(b), all in violation of Title 18, United States Code, Section 371.

FURTHER AFFIANT SAYETH NOT.

  
SHANNA K. SAUNDERS  
Special Agent, Federal Bureau of  
Investigation

  
SUBSCRIBED AND SWORN to telephonically on June 30, 2020.

Honorable JEFFREY T. GILBERT  
United States Magistrate Judge